

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMAR JORDAN,

Plaintiff,

v.

E. ANUNCIACION, et al.,

Defendants.

Case No. 1:20-cv-00467-JLT-EPG (PC)

ORDER GRANTING IN PART
DEFENDANTS' *EX PARTE* APPLICATION
FOR EXTENSION OF TIME, OR TO
VACATE SECOND SCHEDULING ORDER
AND SET A NEW STATUS CONFERENCE
IN 90 DAYS

(ECF No. 76)

On February 8, 2022, Defendants filed an *ex parte* application for an extension of time, or to vacate the second scheduling order and to set a new status conference in 90 days. (ECF No. 76). According to defense counsel, he was recently assigned to this case. (*Id.* at 2). He reviewed the summary judgment order in this case, and he believes that mediation under the Court's VDRP is appropriate. (*Id.*). Additionally, he has conflicts in his personal calendar for the trial on June 27. (*Id.*).

Given that defense counsel has a conflict with the trial date, the Court will vacate the trial date. The parties can discuss the setting of a new trial date with the district judge, who will preside over the trial, at the pretrial conference.

However, the Court will not vacate or extend any other dates or deadlines. Defense counsel requests the extension largely based upon his desire to participate in the Court's VDRP program. However, there was a settlement conference in this case on December 9, 2022, and the case did not settle. (ECF No. 73). The motion provides no explanation as to why another

1 settlement conference would be productive or why he believes the parties' positions have changed
2 since that time. Therefore, the Court will deny the remainder of Defendants' motion.¹

3 Accordingly, IT IS ORDERED that:

- 4 1. Defendants' *ex parte* application for an extension of time, or to vacate the second
5 scheduling order and to set a new status conference in 90 days, is GRANTED in part;
- 6 2. The trial date is VACATED, to be reset by the District Judge at the pretrial
7 conference;
- 8 3. In all other respects, Defendants' motion is DENIED; and
- 9 4. The remaining dates and deadlines in the second scheduling order (ECF No. 74)
10 remain set, including the:
 - 11 a. Rebuttal expert disclosures deadline, which is set for February 17, 2023;
 - 12 b. Deadline to file motions for attendance of incarcerated witnesses, which is set
13 for February 17, 2023;
 - 14 c. The deadline to file pretrial statements, which is set for March 3, 2023;
 - 15 d. The deadline to file oppositions to motions for attendance of incarcerated
16 witnesses, which is set for March 24, 2023; and
 - 17 e. The pretrial conference, which is set for April 17, 2023, at 1:30 p.m., before
18 District Judge Jennifer L. Thurston.

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20 IT IS SO ORDERED.

21 Dated: **February 9, 2023**

22 /s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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¹ Nothing in this order precludes the parties from continuing to negotiate a settlement without a court settlement conference.